STATUTORY INSTRUMENTS

1968 No. 1700

LANDS TRIBUNAL

The Lands Tribunal (Amendment) Rules 1968

Made - - -	*22nd October* 1968
Coming into Operation	*18th November* 1968

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 3 of the Lands Tribunal Act 1949(**a**), and after consultation with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1958(**b**), and with the approval of the Treasury in regard to fees, do hereby make the following Rules:—

1. These Rules may be cited as the Lands Tribunal (Amendment) Rules 1968 and shall come into operation on 18th November 1968.

2.—(1) The Interpretation Act 1889(**c**) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) In these Rules, unless the context otherwise requires, a Rule, Schedule or Form referred to by number means the Rule, Schedule or Form so numbered in the Lands Tribunal Rules 1963(**d**).

3. At the end of Rule 2(1) there shall be added the following definition:—
" "General Commissioners" and "Special Commissioners" have the same meaning respectively as in the Income Tax Acts."

4. The following items shall be inserted after item (v) in Rule 15:—
"(va) any question of the value of any land or of a lease of land which falls to be determined by the Lands Tribunal under section 44(6) of the Finance Act 1965(**e**);
(vb) any dispute relating to the assessment of betterment levy referred to the Lands Tribunal under section 47 of the Land Commission Act 1967(**f**);
(vc) any question which falls to be determined by the Lands Tribunal under the Leasehold Reform Act 1967(**g**);"

5. The following paragraph shall be substituted for Rule 16(1):—

"**16.**—(1) Proceedings for the determination of any question or dispute to which this Part of these Rules applies may be instituted—
(*a*) except where the reference is made pursuant to Rule 15(va), by any party who requires to have the question or dispute determined, and
(*b*) where the reference is made pursuant to Rule 15(va), by General or Special Commissioners or an inspector of taxes,
sending to the registrar a notice of reference substantially in accordance with Form 6 (or Form 6X where the reference is made pursuant to

(**a**) 1949 c. 42.
(**b**) 1958 c. 66.
(**c**) 1889 c. 63.
(**d**) S.I. 1963/483 (1963 I, p. 532).
(**e**) 1965 c. 25.
(**f**) 1967 c. 1.
(**g**) 1967 c. 88.

Rule 15(vc)) together with sufficient copies thereof for service upon each of the other parties to the proceedings."

6. The following paragraph shall be substituted for paragraph (1) of Rule 35:—

"**35.**—(1) At the hearing the parties shall be heard in the following order—

(*a*) on an appeal under Part I, II or III of these Rules the appellant shall begin;

(*b*) on a reference under Part IV of these Rules,

(i) where paragraph (i), (ii), (iii) or (iv) of Rule 15 applies, the party claiming compensation or the party to whom any rent or rent-charge requiring to be apportioned is payable shall begin, and

(ii) where any other paragraph of Rule 15 applies, the party by whom the proceedings were instituted shall begin, unless the Tribunal otherwise directs;

(*c*) parties other than those required to begin shall be heard in such order as the Tribunal may determine."

7. Rule 51 shall stand as paragraph (1) of the Rule, and the following paragraph shall be added to Rule 51:—

"(2) Where the proceedings relate to the price payable on the acquisition of a freehold property or the rent to be paid under an extended lease in accordance with the provisions of the Leasehold Reform Act 1967 and that price or rent is or has become the only issue in the proceedings, the provisions of paragraph (1) of this Rule shall apply to an unconditional offer of readiness to agree to a specified price or rent."

8. Form 6 shall be amended as follows:—

(i) After "[being a party to an agreement under which the Lands Tribunal is to act as arbitrator]" there shall be inserted "*or* [being (a) party(ies) to a dispute as to the assessment of betterment levy in respect of a chargeable act or event affecting the land described above]."

(ii) after "[Names and addresses of parties to arbitration agreement . . .]" there shall be inserted "*or* [Names and address(es) of the Land Commission and the objector(s) to a notice of assessment of betterment levy . . .]."

(iii) The following note shall be added to the Notes at the end of the Form:—

"(5) *Where the reference is made pursuant to section* 47 *of the Land Commission Act* 1967 *a copy of the notice of assessment of levy served under section* 44 *of the Act and of the counter-notice served under section* 46 *must be sent to the registrar with this notice.*"

9. The following Form shall be added to Schedule 1 after Form 6:—

"FORM 6X

Notice of Reference under Part IV of the Lands Tribunal Rules 1963 of a matter falling to be determined under the Leasehold Reform Act 1967 Rule 16(1)

To: The Registrar,
Lands Tribunal,
3, Hanover Square,
London, W.1.

Description of land, hereditament or other property to which this reference relates .....

.....

I/We .....

of .....

.....

Strike out words not applicable.

[being (a) party(ies) to a dispute as to the price payable on the acquisition of the freehold of the property described above]

or

[being (a) party(ies) to a dispute as to the rent to be paid under an extended lease of the property described above]

or

[being (a) party(ies) to a dispute as to the compensation to be paid by the landlord on resuming possession of the property described above]

hereby apply for the determination by the Lands Tribunal of the question of which particulars are set out below.

All communications regarding this reference should be addressed to me/us at the address shown above [*or* to my/our solicitor/agent

Mr. ..... of .....

.....]

PARTICULARS

[Names and addresses of the landlord and the tenant of the property described above, and of every other person known to have a proprietary interest in the property which may be affected by the

dispute.....

.....]

Nature of question and provisions of the Leasehold Reform Act 1967 under which reference is made.....

Estate or interest in respect of which [compensation], [price] *or* [revised rent] is in dispute.....

.....

Amount of [compensation], [price] *or* [revised rent] claimed to be appropriate.....

Strike out words not appplicable.

I/We also hereby apply to the Lands Tribunal for the determination of the following matter(s) relating to the property described above under section 21(2) of the Leasehold Reform Act 1967 (*determination of provisions in conveyance or lease, apportionment of rent or determination of sub-tenant's share in compensation*).....

.....

Whether the party(ies) by whom this notice is signed propose(s) to call an expert witness to give evidence in support of any valuations

.....

.....

Signed.....

Dated.....

Notes:—

(1) *A copy of the notice of leaseholder's claim* must *be sent to the registrar with this notice of reference.*

(2) *Where the reference relates to a matter referred to the Lands Tribunal by agreement under section* 21(2) *of the Act, appropriate deletions should be made in the Form, and a copy of the agreement* must *be sent to the registrar with this notice of reference.*"

10. The following amendments shall be made in Schedule 2:—

(i) At the end of item 1 there shall be added—"(not being a reference under section 44(6) of the Finance Act 1965)".

(ii) In item 6(*b*) for the words "(except on a dispute as to water rates)" there shall be substituted the words "(not being a reference on a dispute as to water rates or under section 44(6) of the Finance Act 1965)".

(iii) In item 6(*e*) after the words "Finance (1909–10) Act 1910" there shall be inserted the words "or a reference under section 44(6) of the Finance Act 1965".

Dated 18th October 1968.

Gardiner, C.

We approve the amendments made by these Rules to the fees prescribed in Schedule 2 to the Lands Tribunal Rules 1963.

Joseph Harper,
B. K. O'Malley } Lords Commissioners of H.M. Treasury

Dated 22nd October 1968.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules amend the Lands Tribunal Rules 1963 for the purposes of appeals relating to the valuation of land under the Finance Act 1965, disputes relating to the assessment of betterment levy under the Land Commission Act 1967 and references of matters to be determined under the Leasehold Reform Act 1967. A form is prescribed for use in proceedings under the Leasehold Reform Act.